UNITED
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A/C.3/52/L.32
10 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 110

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Monaco, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Romania, Slovakia, Slovenia, Solomon Islands, South Africa, Sweden and The former Yugoslav Republic of Macedonia: draft resolution

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 51/80 of 12 December 1996,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration relating to equality, dignity and tolerance,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations, and mindful of the importance of the contributions of the

[1] Resolution 2106 A (XX), annex.

[2] A/CONF.157/24 (Part I), chap. III.

Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent, or national or ethnic origin,

Calling upon States which have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination,[1] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee on the Elimination of Racial Discrimination from the regular budget of the United Nations, and registering its concern that that amendment to the Convention has not yet entered into force,

Reiterating the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

I

Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its fiftieth and fifty-first sessions;[2]

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

3. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention to submit in due time their periodic reports on measures taken to implement the Convention;

4. Commends the Committee on its efforts to contribute to the effective implementation of international instruments on human rights, inter alia, by continuing to improve its working methods, which include the process of

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[1] See CERD/SP/45, annex.

[2] A/52/18.

reviewing the implementation of the Convention in States whose reports are seriously overdue, and in that regard invites the Secretary-General to seek further ways to assist those States in fulfilling their reporting obligations;

5. Commends the Committee for its continuing contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action,[5] including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, as well as by cooperating with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

7. Welcomes and encourages the cooperation and exchange of information between the Committee on the Elimination of Racial Discrimination and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as the communication of the Committee with the General Assembly and the States parties to the Convention;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial status of the Committee on the Elimination of Racial Discrimination,[6]

9. Expresses its profound concern at the fact that a number of States parties to the Convention have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

10. Strongly urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the Convention on 15 January 1992,[7] endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

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[5] Resolution 49/146, annex.

[6] A/52/463.

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means, and to provide necessary support to ensure the functioning of the Committee and enable it to cope with its increasing amount of work;

12. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-third session;

13. Decides to consider at its fifty-third session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

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Fifty-second session
THIRD COMMITTEE
Agenda item 111

RIGHT OF PEOPLES TO SELF-DETERMINATION

Cuba, Kenya, Liberia, Nigeria and Togo: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994, 50/138 of 21 December 1995 and 51/83 of 12 December 1996,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant solutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or threat of use of force in international relations and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[1] adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Further convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination[2] concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite its resolution 51/83;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take appropriate legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government or threaten the territorial integrity and political unity of sovereign States or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to make proposals on a clearer legal definition

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[1] Resolution 44/34, annex.

[2] A/52/495, annex.

of mercenaries and to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-third session;

8. Decides to consider at its fifty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "Rights of peoples to self-determination".

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RIGHT OF PEOPLES TO SELF-DETERMINATION

Albania, Azerbaijan, Bahrain, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Djibouti, Egypt, El Salvador, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Singapore, Thailand, Togo and United Arab Emirates: draft resolution

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

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[1] Resolution 2200 A (XXI), annex.

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth,[1] thirty-seventh,[2] thirty-eighth,[3] thirty-ninth,[4] fortieth,[5] forty-first,[6] forty-second,[7] forty-third,[8] forty-fourth,[9] forty-fifth,[10] forty-sixth,[11] forty-seventh,[12]

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[1] See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[2] Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[3] Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[4] Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[5] Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[6] Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

[7] Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

[8] Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[9] Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[10] Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

[11] Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[12] Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

forty-eighth,[14] forty-ninth,[15] fiftieth,[16] fifty-first,[17] fifty-second[18] and fifty-third[19] sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994, 50/139 of 21 December 1995 and 51/84 of 12 December 1996,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[20]

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

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[14] Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[15] Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

[16] Ibid., 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[17] Ibid., 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[18] Ibid., 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

[19] Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[20] A/52/485.

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-third session under the item entitled "Right of peoples to self-determination".

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Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Argentina, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Mexico, Morocco, Nicaragua, Paraguay, Peru, Philippines, Sri Lanka, Tunisia, Turkey and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 38/180, annex.

[5] Resolution 44/25, annex.

connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[*] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 51/85 of 12 December 1996, it requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

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[*] A/CONF.157/24 (Part I), chap. III.

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General,[1] and requests him to submit to it at its fifty-third session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

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[1] A/52/359.

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Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Austria, Bulgaria, Canada, Czech Republic, Finland, Guatemala, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, New Zealand, Romania, Spain and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and decision 1997/105 of 3 April 1997 of the Commission on Human Rights,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal

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[1] Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[2] A/CONF.157/24 (Part I), chap. III.

Declaration of Human Rights,[3] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4]

1. Welcomes with appreciation the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997,[5] and takes note of their conclusions and recommendations;

2. Also welcomes the submission of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;[6]

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[3] Resolution 217 A (III).

[4] A/52/445.

[5] A/52/507, annex.

[6] E/CN.4/1997/74, annex.

3. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

4. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

5. Recalls that the work of each human rights treaty body should complement the work of the other human rights treaty bodies and, in this regard, emphasizes that universal adherence to the core international human rights treaties adopted within the framework of the United Nations system is important for the full realization of that complementarity;

6. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

7. Also welcomes, in particular, the efforts of the persons chairing the treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages persons chairing the treaty bodies to continue their efforts in this regard;

8. Looks forward to the completion of the Secretary-General's detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[7] the International Covenant on Civil and Political Rights,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Elimination of All Forms of Discrimination against Women,[9] the Convention on the Rights of the Child[10] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

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[7] See resolution 2200 A (XXI), annex.

[8] Resolution 2106 A (XX), annex.

[9] Resolution 34/180, annex.

[10] Resolution 44/25, annex.

or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under these instruments;

9. Welcomes the publication of the revised Manual on Human Rights Reporting;

10. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by State parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

11. Reiterates its concern with the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

12. Also reiterates its concern with the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

13. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

16. Recalls the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies;

17. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies, other United Nations bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, and encourages the specialized agencies, other United Nations bodies, the special rapporteurs, representatives, experts and working groups, as well as the treaty bodies, to further develop their cooperation;

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[11] Resolution 39/46, annex.

18. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

19. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

20. Requests the Secretary-General to include in his report, pursuant to the present resolution, a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and, in particular, to explain why the members of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture do not receive an honorarium whereas the members of the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women do;

21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request by the eighth meeting of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;[10]

23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Welcomes the request of the persons chairing the human rights treaty bodies[11] that they hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of

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[10] A/52/507, annex, para. 62.

[11] See A/52/507, annex, para. 75.

international instruments on human rights, and requests the Secretary-General to take the appropriate steps in order to finance the meeting from the available resources of the United Nations regular budget;

25. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

26. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Albania, Argentina, Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Romania, San Marino, Slovakia, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and decision 1997/105 of 3 April 1997 of the Commission on Human Rights,[1]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

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[1] Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[2] A/CONF.157/24 (Part I), chap. III.

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[1] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States Parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

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[1] Resolution 217 A (III).

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4]

1. Welcomes with appreciation the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997,[5] and takes note of their conclusions and recommendations;

2. Encourages each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Also welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;[6]

4. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

5. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support and better access to technical expertise and information;

6. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights, recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report, prepared pursuant to the present resolution, information on the implementation of those plans of action;

7. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of this complementarity;

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[4] A/52/445.

[5] A/52/507, annex.

[6] E/CN.4/1997/74, annex.

8. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

9. Takes note with appreciation in this regard of the efforts of the persons chairing the treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[7] the International Covenant on Civil and Political Rights,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Elimination of All Forms of Discrimination against Women,[9] the Convention on the Rights of the Child[10] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under these instruments;

11. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

12. Welcomes the publication of the revised Manual on Human Rights Reporting;

13. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of

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[7] See resolution 2200 A (XXI), annex.

[8] Resolution 2106 A (XX), annex.

[9] Resolution 34/108, annex.

[10] Resolution 44/25, annex.

[11] Resolution 39/46, annex.

Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

14. Reiterates its concern with the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

15. Also reiterates its concern with the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

16. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

17. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

18. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

19. Recalls the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies;

20. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

21. Welcomes the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

22. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

23. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

24. Requests the Secretary-General to include in his report, prepared pursuant to the present resolution, a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard;

25. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

26. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request by the eighth meeting of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;[12]

27. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

28. Welcomes the request of the persons chairing the human rights treaty bodies[13] that they hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights, and requests the Secretary-General to take the appropriate steps in order to finance the meeting from the available resources of the United Nations regular budget;

29. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

30. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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[12] A/52/507, annex, para. 62.

[13] See A/52/507, annex, para. 75.